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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,050	03/03/2006	Gerold Sept-Enzel	23527	9068
535 7590 07/15/2009 K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900				
EXAMINER				
CHEN, SHELLEY				
ART UNIT		PAPER NUMBER		
3661				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,050

Applicant(s)

SEPT-ENZEL ET AL.

Examiner

SHELLEY CHEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Requirement for Information

1. Applicant and the assignee of this application are required under 37 CFR 1.56 and 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary for the examination of this application. In response to this requirement, please provide copies of all foreign Office actions and cited references for all corresponding foreign applications, including DE10341199, JP2007518285, and CN1852819. The information is required to document the level of skill and knowledge in the art and to enter into the record documents material to the patentability of the claims.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement.

The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Drawings

2. The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because the unlabeled rectangular box(es) 2-5 of figure 1 should be provided with descriptive text labels. PCT Rule 11.11(a) states that the drawings shall not contain text matter, except a single word or words, when absolutely indispensable, such as "water," "steam," "open," "closed," "section on AB," and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords indispensable for understanding.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Device for Receiving Signals for Controlling a Locking Function in a Vehicle.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-4 rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 includes statements of intended use ("for controlling a function in a motor vehicle in particular for actuating the central locking system of a motor vehicle") in the preamble that suggest or make optional but do not require steps to be performed or do not limit the scope of a claim or claim limitation (MPEP § 2106(II,C)). Accordingly, the metes and bounds of the claim cannot be ascertained by one having ordinary skill in the art.

The examiner will assume that the statements of intended use impart additional structural limitations which are not otherwise found in the claim language, and that the controlling function must actuate a central locking system of the vehicle. As best understood by the examiner, claims 1-4 will be treated on the merits in this office action.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3 rejected** under 35 U.S.C. 102(b) as being anticipated by **Lelandais et al.** (FR 2,755,925).

Regarding claims 1-3, Lelandais discloses all limitations of the claimed apparatus for actuating the central locking system of a motor vehicle (21, P15), including the claimed antenna (3), evaluating unit (1), and passive impedance matching unit (P21, etc).

8. **Claims 1-3 rejected** under 35 U.S.C. 102(b) as being anticipated by **Huels et al.** (US Patent # 6,417,810).

Regarding claims 1-3, Huels discloses all limitations of the claimed apparatus for actuating the central locking system of a motor vehicle (abstract, etc), including the

claimed antenna (AF), evaluating unit (EB), and passive impedance matching unit (BL, BC, col 4: 42-51, etc)

9. **Claims 1-3 rejected** under 35 U.S.C. 102(b) as being anticipated by **Kabushiki et al.** (EP 0645837).

Regarding claims 1-3, Kabushiki discloses all limitations of the claimed apparatus for actuating the central locking system of a motor vehicle (abstract, col 4), including the claimed antenna (12), evaluating unit (14), and passive impedance matching unit (13, col 4: 47-57, etc).

10. **Claims 1-3 rejected** under 35 U.S.C. 102(e) as being anticipated by **Ooe et al.** (US Patent # 6,870,509).

Regarding claims 1-3, Ooe discloses all limitations of the claimed apparatus for actuating the central locking system of a motor vehicle (col 8: 45-54, etc), including the claimed antenna (14, 20), evaluating unit (col 8: 45-54, etc), and passive impedance matching unit (502, 504, etc).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. **Claim 4 rejected** under 35 U.S.C. 103(a) as being unpatentable over **Lelandais et al.** (FR 2,755,925) as applied to the claims above in view of **Uragami et al.** (Patent Abstracts of Japan JP 4-298122)

Regarding claim 4, Lelandais fails to disclose the claimed active matching unit.

In the same field of endeavor, Uragami discloses an active matching unit that automatically determines the actual impedance of the antenna and affects the matching (abstract).

It would have been obvious to modify Lelandais to use an active matching unit, as taught by Uragami and commonly known in the art, in order to maintain impedance matching between a variety of components, with predictable results.

13. **Claim 4 rejected** under 35 U.S.C. 103(a) as being unpatentable over **Huels et al.** (US Patent # 6,417,810) as applied to the claims above in view of **Uragami et al.** (Patent Abstracts of Japan JP 4-298122)

Regarding claim 4, Huels fails to disclose the claimed active matching unit.

In the same field of endeavor, Uragami discloses an active matching unit that automatically determines the actual impedance of the antenna and affects the matching (abstract).

It would have been obvious to modify Huels to use an active matching unit, as taught by Uragami and commonly known in the art, in order to maintain impedance matching between a variety of components, with predictable results.

14. **Claim 4 rejected** under 35 U.S.C. 103(a) as being unpatentable over **Kabushiki et al.** (EP 0645837) as applied to the claims above in view of **Uragami et al.** (Patent Abstracts of Japan JP 4-298122)

Regarding claim 4, Kabushiki fails to disclose the claimed active matching unit.

In the same field of endeavor, Uragami discloses an active matching unit that automatically determines the actual impedance of the antenna and affects the matching (abstract).

It would have been obvious to modify Kabushiki to use an active matching unit, as taught by Uragami and commonly known in the art, in order to maintain impedance matching between a variety of components, with predictable results.

15. **Claim 4 rejected** under 35 U.S.C. 103(a) as being unpatentable over **Ooe et al.** (US Patent # 6,870,509) as applied to the claims above in view of **Uragami et al.** (Patent Abstracts of Japan JP 4-298122)

Regarding claim 4, Ooe fails to disclose the claimed active matching unit.

In the same field of endeavor, Uragami discloses an active matching unit that automatically determines the actual impedance of the antenna and affects the matching (abstract).

It would have been obvious to modify Ooe to use an active matching unit, as taught by Uragami and commonly known in the art, in order to maintain impedance matching between a variety of components, with predictable results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Chen whose telephone number is (571) 270-1330. The examiner can normally be reached Mondays through Fridays, between 10:00 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached at (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://www.uspto.gov/ebc>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shelley Chen/

Patent Examiner

Art Unit 3661

July 11, 2009

/Thomas G. Black/

Supervisory Patent Examiner, Art Unit 3661